

**DETAILED ACTION**

**RESPONSE TO AMENDMENT**

**Claim rejections based on prior art**

In view of the appeal brief filed on 2/24/2010, PROSECUTION IS HEREBY **REOPENED**. New grounds of rejection are set forth below. All previous rejections not contained in this action have been withdrawn hereto by the Examiner.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Alford W. Kindred/

Supervisory Patent Examiner, Art Unit 2181

Applicant's arguments filed 2/24/2010 with respect to claims 1-3, 18-20, and 22-38 have been fully considered but are moot in view of the new ground(s) of rejection.

**INFORMATION CONCERNING OATH/DECLARATION**

**Oath/Declaration**

1. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63**.

**INFORMATION CONCERNING DRAWINGS**

**Drawings**

2. The applicant's drawings submitted are acceptable for examination purposes.

**OBJECTIONS TO THE CLAIMS**

**Claim 19**, is objected to as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The remaining claims 20, 24, and 25 are also objected by virtue of its dependencies on the independent claim.

As per **claim 19**, please remove the word 'the' in the preamble.

**REJECTIONS BASED ON PRIOR ART**

**Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3, 18-20, and 22-38**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmonsén (US pub. 2007/0005334) in view of Higashida et al. (US pat. 6,862,401).

5. As per **claims 1 and 28**, Salmonsén discloses “An apparatus (**device 300 of fig. 3, as discloses in paragraph 0053**) comprising:

a drive device (**media source 302 of fig. 3, as discloses in paragraph 0054, “the content source 302 can be an audio and/or video device subsystem such as a DVD drive, CD drive, or CD-ROM drive (CD-R, CD-RW)”**);

a communication bus (**the communication bus between the LAN controller 312 and the interface controller 310, as discloses in paragraph 0064**);

a first processor (**interface controller 310**) coupled to the communication bus (**see fig. 3**), the first processor to (i) receive a first stream data (**media content, as discloses in paragraphs 0064-0068**) including video data and audio data routed over the communication bus (**see paragraph 0064, which discloses the media content to be A/V data and to be transmitted over the bus**) and (ii) decode the first stream data (**see paragraph 0080, which discloses, “Otherwise, for incompatible content, the host computer 350, processor 314, or other control functional element internal or external to the device 300 can convert the content to a format that is compatible with the device 300”**);

a second processor (**sink 304**) provided with a second stream data (**media content from media source 302**) including video data and audio data (**see paragraph 0068**) that is received

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from the drive device without being routed over the communication bus (**see fig. 3 and paragraph 0068, which discloses the content moving from the source to the sink over bus 38**),

but fails to specifically disclose the second processor to decode the second stream data to reproduce the second stream data in accordance with an instruction sent from the first processor over the communication bus.

Higashida discloses a drive device (**hard disk 8 of fig. 2**), a communication bus (**the communication bus between the CPU 11 and the recording/reproducing control means 7 of fig. 2**), a first processor (**CPU 11**) and a second processor (**the recording/reproducing control means 7 of fig. 2**), **including**, the second processor to decode the second stream data to reproduce the second stream data in accordance with an instruction sent from the first processor over the communication bus (**see col. 6, lines 54-65, which also discloses, "the CPU 11 instructs the recording/reproducing control means 7 to write AV data in a continuous subsequent recording block. .... After converting the AV data into the recording format, the recording/reproducing control means 7 writes the AV data in the next recording block. In this manner, the AV data are written in the continuous recording blocks inside the hard disk 8 one after another, while the addresses of the recording blocks in which the AV data are being written are registered in the file management information 13 one after another"**).

Salmonsens (US pub. 2007/0005334) and Higashida et al. (US pat. 6,862,401) are analogous art because they are from the same field of endeavor of a recording device, such as a DVD player.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify a Digital Versatile Disc (DVD) player or DVD player/recorder as taught by Salmonsens and a recording apparatus includes a recording device which records audio visual data (hereinafter referred to as "AV data") on a recording medium as taught by Higashida.

The motivation for doing so would have been because Higashida teaches, "a portion of the AV data already recorded on the recording medium can be accessed" (**see col. 13, lines 33-36**).

Therefore, it would have been obvious to combine Higashida et al. (US pat. 6,862,401) with Salmonsens (US pub. 2007/0005334) for the benefit of creating the apparatus to obtain the invention as specified in claims 1 and 28.

6. As per **claim 2**, combination of Salmonsens and Higashida "The apparatus according to claim 1," [See rejection to claim 1 above], Higashida further discloses "wherein the second processor is a stream processor" (**see col. 4, lines 38-40**).

7. As per **claim 3**, combination of Salmonsens and Higashida discloses "The apparatus according to claim 1," [See rejection to claim 1 above], Higashida further discloses wherein the first processor is a central processing unit (CPU) (**see fig. 2**).

8. As per **claim 18**, combination of Salmonsens and Higashida discloses "The apparatus according to claim 1," [See rejection to claim 1 above], Higashida further discloses wherein the drive device is a hard disk drive (**see fig. 2**).

9. As per **claim 19**, Salmonsens discloses “An the apparatus (**device 300 of fig. 3, as discloses in paragraph 0053**) comprising:

a drive device (**media source 302 of fig. 3, as discloses in paragraph 0054, “the content source 302 can be an audio and/or video device subsystem such as a DVD drive, CD drive, or CD-ROM drive (CD-R, CD-RW)”**);

a communication bus (**the communication bus between the LAN controller 312 and the interface controller 310, as discloses in paragraph 0064**);

a first processor (**interface controller 310**) coupled to the communication bus (see **fig. 3**), the first processor to decode a first stream data (**media content, as discloses in paragraphs 0064-0068**) including video data and audio data routed over the communication bus (see **paragraph 0064, which discloses the media content to be A/V data and to be transmitted over the bus**) and (ii) decode the first stream data (see **paragraph 0080, which discloses, “Otherwise, for incompatible content, the host computer 350, processor 314, or other control functional element internal or external to the device 300 can convert the content to a format that is compatible with the device 300”**);

a second processor (**sink 304**) provided with a second stream data (**media content from media source 302**) including video data and audio data (see **paragraph 0068**) that is received from the drive device without being routed over the communication bus(see **fig. 3 and paragraph 0068, which discloses the content moving from the source to the sink over bus 38**); and a network control unit (**LAN controller 312**) coupled to the communication bus (see

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**fig. 3)**, the network control unit to transmit the first stream data via the communication bus (**see fig. 3 and paragraph 0064**),

but fails to specifically the second processor to decode the second stream data to reproduce the second stream data in accordance with an instruction sent from the first processor over the communication bus.

Higashida discloses a drive device (**hard disk 8 of fig. 2**), a communication bus (**the communication bus between the CPU 11 and the recording/reproducing control means 7 of fig. 2**), a first processor (**CPU 11**) and a second processor (**the recording/reproducing control means 7 of fig. 2**), **including**, the second processor to decode the second stream data to reproduce the second stream data in accordance with an instruction sent from the first processor over the communication bus (**see col. 6, lines 54-65, which also discloses, "the CPU 11 instructs the recording/reproducing control means 7 to write AV data in a continuous subsequent recording block. .... After converting the AV data into the recording format, the recording/reproducing control means 7 writes the AV data in the next recording block. In this manner, the AV data are written in the continuous recording blocks inside the hard disk 8 one after another, while the addresses of the recording blocks in which the AV data are being written are registered in the file management information 13 one after another"**).

Salmonsens (US pub. 2007/0005334) and Higashida et al. (US pat. 6,862,401) are analogous art because they are from the same field of endeavor of a recording device, such as a DVD player.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify a Digital Versatile Disc (DVD) player or DVD player/recorder as taught by

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Salmonsens and a recording apparatus includes a recording device which records audio visual data (hereinafter referred to as "AV data") on a recording medium as taught by Higashida.

The motivation for doing so would have been because Higashida teaches, "a portion of the AV data already recorded on the recording medium can be accessed" (**see col. 13, lines 33-36**).

Therefore, it would have been obvious to combine Higashida et al. (US pat. 6,862,401) with Salmonsens (US pub. 2007/0005334) for the benefit of creating the apparatus to obtain the invention as specified in claim 19.

10. As per **claims 20 and 34**, combination of Salmonsens and Higashida discloses "The apparatus according to claim 19," [**See rejection to claim 19 above**], Salmonsens further discloses wherein the control unit includes an IEEE 1394 processor" (**see paragraph 0065**).

11. As per **claim, 22, 37, and 38**, the combination of Salmonsens and Higashida discloses "The apparatus according to claim 1," [**See rejection to claim 1 above**], Higashida further discloses, "wherein the communication bus is a Peripheral Component interconnect (PCI) bus" (**see col. 13, lines 9-14**).

12. As per **claim 23**, the combination of Salmonsens and Higashida discloses "The apparatus according to claim 1," [**See rejection to claim 1 above**], Salmonsens further discloses: a video bus (**338 of fig. 3**); and a graphic controller (**processor 314**) in communication with the first processor and the second processor (**see fig. 3**), the graphic controller to convert the decoded first



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stream data into display video signals and to transmit the display video signals to the second processor over the video bus (see **paragraph 0080, which discloses, “Otherwise, for incompatible content, the host computer 350, processor 314, or other control functional element internal or external to the device 300 can convert the content to a format that is compatible with the device 300”**).

13. As per **claims 24 and 29**, the combination of Salmonsens and Higashida discloses “The apparatus according to claim 23,” [See rejection to claim 23 above], Salmonsens further discloses wherein the second processor superposes the display video signals transmitted over the video bus on a video image generated from the decoded second stream data in accordance with display information transferred from the first processor to the second processor over the communication bus (see **paragraphs 0064-0068**).

14. As per **claims 25 and 30**, the combination of Salmonsens and Higashida discloses “The apparatus according to claim 24,” [See rejection to claim 24 above], Salmonsens further discloses wherein the display information includes information designating a region in a drawing area and a transparency rate at the display video signals on a screen (see **paragraph 0069 and fig. 3**).

15. As per **claim 26**, the combination of Salmonsens and Higashida discloses “The apparatus according to claim 1,” [See rejection to claim 1 above], Higashida further discloses comprising:

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a television tuner (**STB 2, as discloses in col. 4, lines 9-18**) adapted to transmit a third stream data to the second processor for storage into a storage medium associated with the drive device (**see col. 4, lines 38-42, which discloses, “The recording/reproducing control means 7 is means which converts AV data which are outputted as an MPEG2 transport stream sent from the IEEE1394 I/F 6 into a recording format and records the data in the hard disk 8).**

16. As per **claim 27**, the combination of Salmonsens and Higashida discloses “The apparatus according to claim 1,” [See rejection to claim 1 above], Higashida further discloses comprising: a television tuner (**STB 2, as discloses in col. 4, lines 9-18**); and a transport stream bus (**bus 5**) coupled to the television tuner and the second processor, the transport stream bus enables transmission of the third stream data to the second processor without using the communication bus (**see fig. 2**).

17. As per **claim 31** the combination of Salmonsens and Higashida discloses “The apparatus according to claim 1,” [See rejection to claim 1 above], Salmonsens further discloses wherein the first stream data is received from a first source and the second stream of data is received from a second source different than the first source (**see fig. 3**).

18. As per **claim 32** the combination of Salmonsens and Higashida discloses “The apparatus according to claim 31,” [See rejection to claim 31 above], Salmonsens further discloses wherein the first stream data is received via a connector being different than the second source being a drive device (**see fig. 3**).

19. As per **claim 33** the combination of Salmonsens and Higashida discloses “The apparatus according to claim 28,” [See rejection to claim 28 above], Salmonsens further discloses wherein the first stream data is received from a source different than the drive device (**see fig. 3**).

20. As per **claims 35 and 36**, the combination of Salmonsens and Higashida discloses “The apparatus according to claim 1,” [See rejection to claim 1 above], Salmonsens further discloses, “wherein the first stream data is in an encoded format when routed over the communication bus prior to the first processor decoding the first data stream (**see paragraph 0080**).

#### **RELEVANT ART CITED BY THE EXAMINER**

The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant’s art and those arts considered reasonably pertinent to applicant’s disclosure. See **MPEP 707.05(c)**.

The following reference teaches an apparatus comprising; a communication bus; a drive device; a video terminal; a first and a second processor.

#### **U.S. PATENT NUMBER**

US 2002/0141739

#### **CLOSING COMMENTS**

##### **Conclusion**

##### **a. STATUS OF CLAIMS IN THE APPLICATION**

The following is a summary of the treatment and status of all claims in the application as recommended by **M.P.E.P. 707.07(i)**:

**a(1) CLAIMS REJECTED IN THE APPLICATION**

Per the instant office action, claims 1-3, 18-20, and 22-38 have received a first action on the merits and are subject of a first action non-final.

**DIRECTION OF FUTURE CORRESPONDENCES**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernest Unelus whose telephone number is (571) 272-8596. The examiner can normally be reached on Monday to Friday 9:00 AM to 5:00 PM.

**IMPORTANT NOTE**

If attempts to reach the above noted Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Alford Kindred, can be reached at the following telephone number: Area Code (571) 272-4037.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217- 91 97 (toll-free).

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